

CHAPTER 431
VEHICLE RECYCLERS

[Prior to 6/3/87, Transportation Department[820]—(07,D)Ch 6]

761—431.1(321H) Definitions. The following definitions as well as those in Iowa Code chapter 321H are adopted and shall apply to these rules, unless the context otherwise requires.

431.1(1) “*Designated location*” means a building actually occupied where the public and the department can contact the owner or operator during regular business hours.

431.1(2) Reserved.

This rule is intended to implement Iowa Code sections 321H.2 and 321H.4.

761—431.2(321H) Criteria for obtaining a vehicle recycler license.

431.2(1) *Licensing information.* Information concerning vehicle recycler requirements may be obtained from the Office of Vehicle Registration, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278, or at its location in Park Fair Mall, 100 Euclid Ave., Des Moines; telephone (515)237-3021.

431.2(2) *Applicant qualifications.* The applicant shall:

a. Maintain regular business hours and telephone service at a designated location which shall include separate and adequate office space for the applicant’s business records.

b. Provide the department with a copy of a letter, issued by the office responsible for the enforcement of zoning ordinances in the city, town, or county where the applicant’s business is located, which states that the applicant has complied with all zoning provisions.

If the applicant resides in a city or town which requires a city license, a copy of the license shall be required in lieu of the compliance letter.

c. Comply with the provisions of Iowa Code chapter 306C, relating to the Iowa junkyard control law, when applicable.

431.2(3) *Application.* The application for a vehicle recycler’s license shall be made on Form number 411117, which may be obtained from the department at the address shown in subrule 431.2(1). The application shall include the following information:

a. The name under which the applicant will conduct the business, the business address and telephone number.

b. If the applicant is an individual, the applicant’s name and address. If the applicant is a partnership, the name and address of each partner. If the applicant is a corporation, the name and address of each officer.

c. The address of any extension of the applicant’s place of business.

d. The type of business the applicant is engaged in.

e. A statement of the previous criminal history of the applicant. If the applicant is a corporation, the statement shall be required from each officer. If the applicant is a partnership, the statement shall be required from each partner.

f. If the applicant is a vehicle rebuilder, the applicant shall certify that at every licensed location there is:

(1) An unobstructed area with an inside measurement of 14 feet by 24 feet in a building to be used for rebuilding and restoring vehicles;

(2) A separate office with a telephone;

(3) Sufficient storage for all vehicles in the inventory;

(4) Compliance with all junkyard control and local zoning laws; and

(5) Equipment necessary to perform rebuilding and restoring of vehicles in the inventory, such as frame-straightening equipment, hydraulic jack, alignment, calibration equipment and tools.

g. If the applicant is a used vehicle parts dealer, the applicant shall certify that at every licensed location there is:

- (1) A separate office with a telephone;
- (2) Sufficient storage for the vehicle parts in the inventory; and
- (3) Compliance with the junkyard control law and local zoning laws.

h. If the applicant is a vehicle salvager, the applicant shall certify that there is:

- (1) Sufficient storage for vehicles, vehicle parts, and vehicle bodies included in the inventory;
- (2) Compliance with the junkyard control laws and local zoning laws; and
- (3) Sufficient equipment necessary to perform dismantling, scrapping or storing of vehicles and vehicle parts included in the inventory.

This rule is intended to implement Iowa Code section 321H.4.

761—431.3(321H) Firm name. A recycler shall not represent or advertise the business under any name or style other than that which appears on the recycler's license.

This rule is intended to implement Iowa Code section 321H.4.

761—431.4(321H) Denial, suspension or revocation of license.

431.4(1) If an applicant fails to comply with rule 431.2(321H), the department shall deny the application.

431.4(2) If an applicant fails to comply with any of the provisions of this chapter of rules, the department may suspend or revoke the recycler's license.

431.4(3) The department may deny, revoke or suspend a license for any of the reasons stated in Iowa Code section 321H.6.

431.4(4) A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision pursuant to rules 761—Chapter 13.

This rule is intended to implement Iowa Code chapter 17A and section 321H.6.

761—431.5(321) Right of inspection. Peace officers shall have the authority to inspect vehicles or component parts of vehicles and the records and documents required to be kept by a recycler.

This rule is intended to implement Iowa Code section 321.95.

761—431.6(321H) Temporary license. Rescinded IAB 2/3/93, effective 3/10/93.

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